

AMENDED IN ASSEMBLY MAY 6, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Nation
(Coauthors: Assembly Members Alquist and ~~Koretz~~, Koretz,
***and Strom-Martin*)**

February 21, 2002

An act to amend Section 20305 of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Nation. Public employees' retirement: part-time employees.

The Public Employees' Retirement Law excludes from membership in the system specified persons, including part-time employees serving on less than a full-time basis, unless specified circumstances are satisfied. Pursuant to these provisions, a temporary faculty member of the California State University who works 2 consecutive semesters or 3 consecutive quarters at half time or more, subject to certain teaching requirements and limitations, and who is not otherwise excluded, is entitled to membership at the start of the next consecutive semester or quarter if the appointment requires half-time service or more.

This bill would also provide that temporary faculty members, who work 2 consecutive semesters or 3 consecutive quarters at ~~half-time or more, and maintain~~ a minimum teaching load of 6 weighted units, are entitled to membership in the Public Employees' Retirement System

pursuant to the above provisions, if agreed upon pursuant to a collective bargaining agreement or otherwise authorized by the trustees of the university, as specified.

Existing provisions of the Public Employees' Retirement Law continuously appropriate the money in the Public Employees' Retirement Fund.

This bill would expand eligibility for membership in the system and would result in increased contributions to the fund, thereby making an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20305 of the Government Code is
2 amended to read:

3 20305. (a) An employee serving on a less than full-time basis
4 is excluded from this system unless:

5 (1) He or she is a member at the time he or she renders less than
6 full-time service and is not otherwise excluded pursuant to this
7 article or by a provision of a contract.

8 (2) His or her position requires regular, part-time service for
9 one year or longer for at least an average of 20 hours a week, or
10 requires service that is equivalent to at least an average of 20 hours
11 a week, unless he or she elects membership pursuant to Section
12 20325.

13 (3) His or her employment is, in the opinion of the board, on a
14 seasonal, limited-term, on-call, emergency, intermittent,
15 substitute, or other irregular basis, and is compensated and meets
16 one of the following conditions:

17 (A) The appointment or employment contract fixes a term of
18 full-time, continuous employment in excess of six months or, if a
19 term is not fixed, full-time employment continues for longer than
20 six months, in which case membership shall be effective not later
21 than the first day of the first pay period of the seventh month of
22 employment.

23 (B) The person works more than 125 days, if employed on a per
24 diem basis or, if employed on other than a per diem basis, 1,000
25 hours within the fiscal year, in which case, membership shall be
26 effective not later than the first day of the first pay period of the

1 month following the month in which 125 days or 1,000 hours of service were completed. For purposes of this subdivision, “day” means each eight-hour period of employment worked by an employee paid on a per diem basis so that membership is effective after he or she has completed 1,000 hours of compensated service in a fiscal year.

(C) The person is employed by the Department of Forestry and Fire Protection in one of the positions that provide state safety membership pursuant to Section 20400 or state peace officer/firefighter membership pursuant to Section 20392.

(4) He or she is a temporary faculty member of the California State University and meets one of the following conditions:

(A) He or she works two consecutive semesters or three consecutive quarters at half- time or more, and is not otherwise excluded pursuant to this article, in which case, membership shall be effective with the start of the next consecutive semester or quarter if the appointment requires service of half- time or more.

(B) He or she works two consecutive semesters or three consecutive quarters at ~~half- time or more, and maintains~~ a minimum teaching load of six weighted units, and is not otherwise excluded pursuant to this article, in which case membership shall be effective at the start of the next consecutive semester or quarter if the appointment requires service of ~~half- time~~ *six weighted units* or more. This subparagraph does not apply to faculty members unless provided for in a memorandum of understanding agreed upon pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, or authorized by the Trustees of the California State University for employees excluded from collective bargaining.

(5) He or she is a member of the Board of Prison Terms, the State Personnel Board, or the State Air Resources Board and elects to become a member pursuant to Section 20320.

(6) He or she is participating in partial service retirement, pursuant to Article 1.7 (commencing with Section 19996.30) of Chapter 7 of Part 2.6.

(7) He or she is included by specific provision of the board relating to the exclusion of less than full-time employees.

(b) This section shall supersede any contract provision excluding persons in any temporary or seasonal employment basis and shall apply only to persons entering employment on and after

1 January 1, 1975. Except as provided in Section 20502, no contract
2 or contract amendment entered into after January 1, 1981, shall
3 contain any provision excluding persons on an irregular
4 employment basis.

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